

ORDINANCE NO. 02-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE TITLE 9, CHAPTER 9.08 (FIREARMS)

WHEREAS, current Elk Grove Municipal Code (EGMC) Section 9.08.070 limits the issuance of special shooting permits to farmers or orchardists whose agricultural property lies within the City to shoot predatory animals or birds which destroy growing crops or fruit; and

WHEREAS, from time to time, the City may receive special event requests that involve theatrical displays and reenactments of historical events that include period firearms; and

WHEREAS, such special events, theatrical displays and reenactments are important to providing citizens a historical and entertaining account of Elk Grove's past; and

WHEREAS, the use of firearm ammunition as defined by Penal Code section 16150 will not be permitted at special events, theatrical displays, or reenactments, only the use of blanks shall be allowed; and

WHEREAS, the Chief of Police or designee will review and assess special event applications that include firearms to ensure ammunition will not be used.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend EGMC Chapter 9.08 (Firearms), specifically Section 9.08.070 to allow for the issuance of a special shooting permit for special events.

Section 2: Action – Amend Section 9.08.070 Special Shooting Permit

The Chief of Police (or designee) may also issue a special shooting permit to any farmer or orchardist whose agricultural property lies within the City to shoot predatory animals or birds which destroy growing crops or fruit, or for special events where the use of any firearm does not involve the firing of ammunition as defined by Penal Code section 16150 or other applicable law. A special shooting permit issued under this section shall include such conditions and limitations as the Chief of Police or his or her designee may impose for the protection of lives and property. A written request for a special shooting permit, in the form required by the City, must be submitted to the Chief of Police at least thirty (30) calendar days prior to the intended use.

Section 3: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 02-2019
INTRODUCED: January 9, 2019
ADOPTED: January 23, 2019
EFFECTIVE: February 22, 2019




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date Signed: January 29, 2019

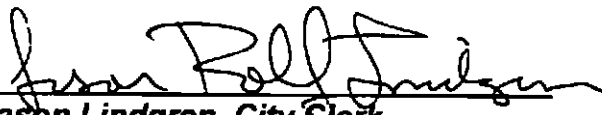
CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 02-2019

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on January 9, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 23, 2019 by the following vote:

AYES :	COUNCILMEMBERS:	Ly, Hume, Detrick, Nguyen, Suen
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

A summary of the ordinance was published pursuant to GC 36933(c) (1).


Jason Lindgren, City Clerk
City of Elk Grove, California